



ALAN WILSON
ATTORNEY GENERAL

Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

RE: The State v Hascale Simmons
Appellate Case No. 2011-189906

RECEIVED

OCT 25 2013

SC COURT OF APPEALS

Dear Ms. Kitchings

Please allow this letter to serve as the update as requested in the above referenced case. On August 20, 2013, a hearing was held before the Honorable Carmen Mullen. Reconstruction of the record was discussed between the Court, the State, the Defendant's appellate defense counsel, and the Defendant's trial counsel. All agreed that reconstruction of the record would be extremely difficult by itself with the amount of transcript missing from the actual trial. This coupled with the unknown amount of missing transcripts from the numerous pre-trial hearings held in this particular case would make reconstruction impossible. Therefore, all parties stipulated on record that an adequate record could not be reconstructed and requested the trial court issue an order informing the Court of Appeals that the record could not be reconstructed and asking the Court of Appeals to remand for a new trial.

Sincerely,

Cary Goings
Assistant Attorney General

cc: Robert Michael Dudek
Susan Barber Hackett